



The following constitutes the ruling of the court and has the force and effect therein described.

**Signed June 23, 2023** 

**United States Bankruptcy Judge** 

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

IN RE:	
McCLAIN FEED YARD, INC.,	CASE NO. 23-20084-7-rlj
Debtor.	Chapter 7
IN RE:	
McCLAIN FARMS, INC.,	CASE NO. 23-20085-7-rlj
Debtor.	Chapter 7
IN RE:	
7M CATTLE FEEDERS, INC.,	CASE NO. 23-20086-7-rlj
Debtor.	Chapter 7

AGREED ORDER GRANTING RABO AGRIFINANCE LLC'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This matter came before the Court on June 21, 2023 for a hearing on *Rabo's Motion for Relief from the Automatic Stay* (the "**Motion**") that has been filed in all three of the above-entitled Chapter 7 cases by Rabo AgriFinance LLC ("**Rabo**"). Prior to the hearing, the Court carefully considered the Motion and all responses filed thereto. At the hearing, the parties announced an agreement had been reached by those who had filed responses to the Motion and the Court found that the Motion was well-taken, and that the relief requested therein should be granted.

Based upon the foregoing, pursuant to 11 U.S.C. § 362, Federal Rule of Bankruptcy

Procedure 4001, and Local Rule 4001-1, and for good cause shown, **IT IS HEREBY ORDERED**as follows:

- The Motion shall be, and it hereby is, granted in all three cases as to all three
   Debtors and their bankruptcy estates.
- 2. The automatic stay of 11 U.S.C. § 362 is hereby terminated and lifted with respect to the real property, improvements, fixtures, water rights and other property (collectively, the "Real Property") described in those certain Deeds of Trust, Assignments of Rents and Security Agreements (Deaf Smith and Parmer Counties, Texas) that are attached at Exhibits "A" through "D" to the Motion, and the automatic stay, for cause pursuant to Section 362(d)(1) of the Bankruptcy Code, and Rabo is hereby authorized (but not directed) to repossess and foreclose upon, sell, or otherwise liquidate its alleged interest in the Real Property pursuant to non-bankruptcy law, without further order of the Court.
- 3. The automatic stay of 11 U.S.C. § 362 is also hereby terminated and lifted with respect to any and all equipment and fixtures (excluding only titled equipment or fixtures or any

Case 23-20084-rlj7 Doc 65 Filed 06/23/23 Entered 06/23/23 17:01:10 Desc Main Document Page 3 of 5

computers, laptops, phones, thumb drives or any other equipment that would contain any of the Debtors' records) (collectively, the "Equipment") owned by any of the above-entitled Debtors, including but not limited to the Exhibit described and identified in Exhibits "E" through "G" of the Moton, and Rabo is hereby authorized (but not directed) to repossess and foreclose upon, sell, or otherwise liquidate its alleged interest in the Equipment pursuant to non-bankruptcy law, without further order of the Court.

- 4. Nothing set forth herein shall constitute a determination or finding concerning the lien validity or priority of Rabo and any other creditor or party in interest with respect to the Equipment, including but not limited to the lien priority between Rabo and Caterpillar Financial Services Corporation, Northland Capital Financial Services or First Kentucky Bank with respect to the specific items of Equipment that those creditors assert senior liens against, and lien priority in the Equipment shall be determined in conformance with applicable non-bankruptcy law, including applicable provisions of the Uniform Commercial Code.
- 5. Rabo shall cooperate with Caterpillar Financial Services Corporation, Northland Capital Financial Services, and First Kentucky Bank in any liquidation of the Equipment and in the distribution of the proceeds of the Equipment in accordance with the lien priorities established by applicable non-bankruptcy law.
- 6. Nothing set forth herein shall constitute (a) a release or waiver of any claims or causes of action that the Trustee, the estates or any party in interest may have against Rabo arising out of or related to the Debtors or their assets or property, or (b) any claims or causes of action that Rabo may have against the Trustee, the estates or any party in interest arising out of

Case 23-20084-rlj7 Doc 65 Filed 06/23/23 Entered 06/23/23 17:01:10 Desc Main Document Page 4 of 5

or related to the Debtors or their assets or property.

7. Nothing set forth herein shall constitute findings or conclusions sufficient to

invoke the doctrines of res judicata or collateral estoppel either by or against Rabo or to

preclude or bar any claims or causes of action by or against Rabo.

8. The fourteen (14) day stay period established by Federal Rule of Bankruptcy

Procedure 4001(a)(3) is hereby waived, and this Order shall take effect immediately upon its

entry on the Court's docket.

Dated: June 23, 2023

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Order Submitted by:

/s/ Michael R. Johnson

Michael R. Johnson

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Approved as to Form:

/s/ Kent Ries, Trustee (with Permission)

Kent Ries, Chapter 7 Trustee

kent@kentries.com

4

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